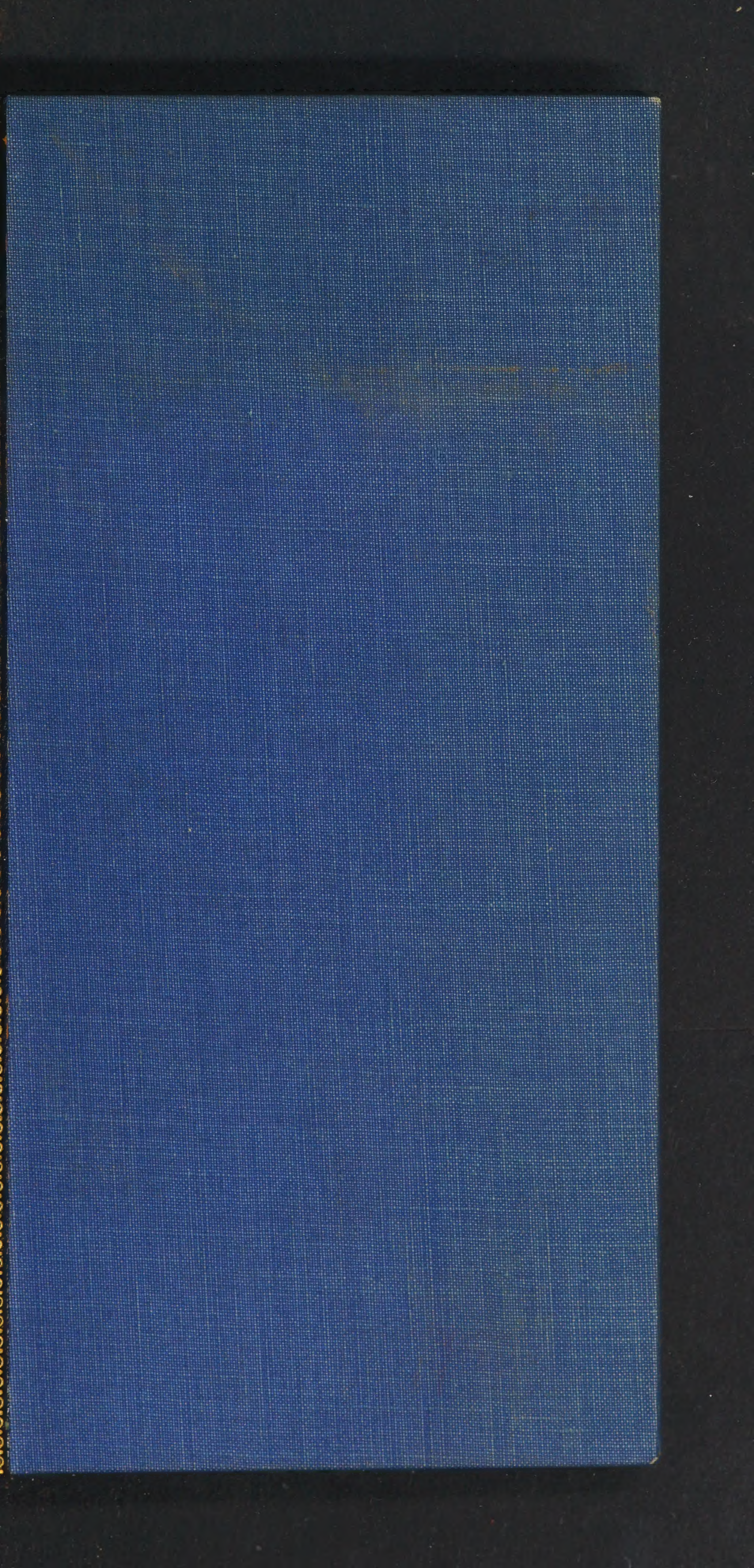


HIS MAJESTY'S RIGHT TO NOVA-SCOTIA

LONDON
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A FAIR

REPRESENTATION

OF

His Majeſty's Right

TO

NOVA-SCOTIA or *ACADIE.*

Briefly ſtated from the

MEMORIALS of the *ENGLISH* Commiſſaries;

WITH AN

ANSWER to the OBJECTIONS

Contained

In the *FRENCH* MEMORIALS,

AND

In a TREATISE, Entitled,

*Diſcuſſion Sommaire ſur les anciennes Limites de l'*ACADIE.

LONDON:
Printed by EDWARD OWEN, in *Warwick-Lane.*

MDCCLVI.



Cha: A FAIR Carole

REPRESENTATION OF His MAJESTY's Right TO NOVA-SCOTIA *or* ACADIE, &c.

HIS Majeſty's Right to what is claimed as the Ancient Limits of *Nova-Scotia* or *Acadie*, is ſo juſt and indiſputable, and the Maintenance of it ſo eſſential to the Trade and Security of his other Colonies, that this Nation cannot but be alarmed to find the *French* calling that Right in Queſtion, and attempting to re-

duce the Extent of the *Britiſh* Dominions in thoſe Parts, to imaginary Boundaries and arbitrary Limits; however His Majeſty, to convince the World that he forms no Pretenſions, but ſuch as are founded upon a lawful Acquiſition, has been pleaſed to ſubmit the Points in Queſtion to an amicable Negotiation, by Commiſſaries ſent to *Paris* for that Purpoſe ſoon after the Treaty of *Aix-la-Chapelle*, hoping by this Means to ſettle the ſame Tranquility in *America*, as had been happily eſtabliſhed in *Europe*: But if all Endeavours to ſo ſalutary an End ſhould prove fruitleſs, and theſe Diſputes be brought to ſuch Extremities, as to require a more diſagreeable Method of Deciſion, ſtill we have the Conſolation of appealing to the Reſt of Mankind in Vindication of our Claim, juſtified as it is, by the moſt evident Proofs and convincing Arguments. Hence it becomes neceſſary that the Publick ſhould be acquainted with the true State of His Majeſty's Title; and the more ſo, ſince the *French*

have

have publiſhed partial Repreſentations of the Diſpute between us, by printing their Memorials without the *Engliſh* Reply; and, together with them, diſtributing a Treatiſe, entitled, *A Summary Diſcuſſion of the Ancient Limits of* Acadie, in order to prejudice all the Courts of *Europe* in Favour of their unjuſtifiable Pretenſions. To obviate therefore the wrong Impreſſions that theſe might create, it has been thought expedient to print at *London*, an Edition of *All* the Memorials upon this Point; but theſe being very Voluminous, it may be proper, for the Satisfaction of ſuch as have not Leiſure to examine them, briefly to recapitulate what has been offered in Support of His Majeſty's Claim, collected from the *Engliſh* Memorials; and of what has been advanced in Oppoſition to it, collected from the abovementioned Treatiſe and the *French* Memorials.

Firſt, Let it be obſerved, that the Diſpute between *England* and *France* is not

not at preſent concerning the RIGHT to *Acadie*, but what are the LIMITS of *Nova-Scotia* or *Acadie*, yielded to the Crown of *Great-Britain* by the XIIth Article of the Treaty of *Utrecht*.

For this Purpoſe the *Engliſh* Commiſſaries, by a Memorial dated the 21ſt of *September* 1750, ſet forth what was claimed on the Part of *Great-Britain*, as the real Limits of that Country, deſcribed to be bounded as follows:—" On " the Weſt, towards *New-England*, by " the *River Penobſcot*, otherwiſe called " *Pentagoet*; that is to ſay, beginning " at it's Mouth, and from thence draw- " ing a ſtreight Line towards the North " to the River of *St. Laurence*, or the " Great River of *Canada*.—On the North " by that River all along as far as *Cape* " *Roziers*, ſituated at its Entrance.—On " the Eaſt by the great Gulph of *St.* " *Laurence* from *Cape Roziers* to the " South-Eaſt by the Iſlands of *Cape-Bre-* " *ton*, leaving theſe Iſlands and the Gulph " on the Right, and *Newfoundland* and

" the

" the Iſlands belonging to it on the Left,
" unto the *Cape* or *Promontory* called
" *Cape-Breton*.—On the South, by the
" Great *Atlantic* Ocean, going South-
" Weſt from *Cape-Breton* by *Cape-Sable*,
" taking in the Iſland of that Name,
" round to the Bay of *Fundi*, as far as
" the Mouth of the River *Penobſcot* or
" *Pentagoet*."

But they obſerved, " That the Iſland
" of *Cape-Breton*, as alſo all others, both
" in the Mouth of the River *St. Lau-*
" *rence*, and in the Gulph of the ſame
" Name, although deſcribed as above to
" be within the Ancient Limits of *Acadie*;
" are, neverthelefs, by the XIIIth Article
" of the Treaty of *Utrecht*, excepted and
" declared to remain under the *French*
" Juriſdiction."

His Majeſty's Commiſſaries having been ſo particular in deſcribing the Boundaries of this Country, as claimed by the Crown of *Great-Britain*, it was expected, That the *French* Commiſſaries, on their Part, would have been as explicit; but, on the

contrary,

contrary, by their Memorial, dated on the ſame Day, they confined themſelves only to a Negative Aſſertion, " That *Port-* " *Royal* was not compriſed within the " Limits of *Acadie*, and, conſequently, " that Ancient *Acadie* took in only a Part " of the *Peninſula* which goes by that " Name;—that the Iſland of *Cançeau*, " being in the Mouth of the Gulph of *St.* " *Laurence*, was not compriſed within " *Acadie*; — that the Limits of *New-* " *England* and *New-France* had received " no Alterations by the Treaty of *Utrecht*, " and therefore ought to remain as they " were before :—And laſtly, they refer- " red themſelves, as to all other Particu- " lars, to ſuch Conſequences as might be " deduced from the *Letter* and *Spirit* of " the Treaty of *Utrecht*." This Deſcription not being Satisfactory, and being called upon to mark out in a more particular Manner, what they deemed to be the Ancient Limits of *Acadie*, they contented themſelves with delivering only this further Declaration in Writing; namely,

" That

" That Ancient *Acadie* begins at the Ex-
" tremity of the Bay *Françoiſe* from the
" Cape of *St. Mary*, or the Cape *Four-*
" *chu*, that it extends along the Coaſt,
" and terminates at Cape *Cançeau.*"

This, at firſt ſetting out, diſcovers that the *French* had invented imaginary Limits, and created, if I may be allowed the Expreſſion, a *New Acadie*, under the Name of the Ancient One, of which they would allow us only a Part, and that an indeterminate Part, in lieu of *All Acadie*, which had been yielded to us in thoſe expreſs Terms by the Treaty of *Utrecht*: And accordingly our Right to the Whole of that real Country has been ſupported by ſolid Proofs, whilſt they have endeavoured to prop their chimerical Syſtem by wrong Citations and Miſconſtructions of the *Words* and *Intent* of that Treaty, as will appear in the following Parts of this Treatiſe.

Here, that the Publick may be appriſed of the Views of each Court in this Diſcuſſion, let it be obſerved, that *England*

not only claims, as *Nova-Scotia* or *Acadie*, all the *Peninſula* that goes by that Name, but alſo all the Territory on the *Continent* above deſcribed, within the Degrees of 43, and 50 Northern Latitude; and more particularly we inſiſt, that all the Sea Coaſts of this Diſtrict on the *Atlantick* Ocean, and round the Bay of *Fundi*, on which are ſituated the Forts of *Pentagoet* and *St. John* on the North Side, and *Port-Royal* or *Annapolis-Royal*, on the South, are Parts of the Country yielded to us by the Treaty of *Utrecht*. But the *French* pretend, that neither theſe Forts, nor any Part of the Coaſts round the Bay of *Fundi*, are to be compriſed within the Ancient Limits of that Country: It was incumbent upon us therefore, to demonſtrate our Right to theſe Coaſts, and the particular Forts above-mentioned, as being all within the Ancient Limits of *Nova-Scotia* or *Acadie*.

Accordingly the *Engliſh* Commiſſaries, as appears by their Memorials, produced the Evidence of ſeveral Treaties con-

concluded between the two Crowns, with Hiſtorical Accounts of the Publick Tranſactions to enforce the Terms of thoſe Treaties, and Commiſſions granted, and Claims ſet up, in Conſequence of them; all uniting in the ſame Deſcription of this Country, as demanded above by the Crown of *Great-Britain*: Which I ſhall now endeavour briefly to ſet forth by recapitulating the Proofs of its Limits and Boundaries at three different Periods of Time.—Firſt, at the Time of concluding the Treaty of *St. Germain*'s in the Year 1632.—Secondly, at the Treaty of *Breda* in 1667.—And Thirdly, at the Treaty of *Utrecht* in 1713.

The Treaty of *St. Germain*'s, bearing Date the 29th of *March* 1632, was made, between *Charles* I. and *Lewis* XIII. for the Reſtitution of *New-France*, *Acadia*, and *Canada*, and the Ships and Merchandizes taken on both Sides, as appears by the Title: And accordingly, by the IIId Article, the King of *England*, on his Part, "Promiſes, to reſtore to his Moſt Chri-

" ſtian Majeſty, all the Places poſſeſſed
" by his Subjects in *New-France*, *Acadia*,
" and *Canada*; and to that Effect to ſend
" Orders to ſuch as Command in *Port-*
" *Royal*, *Port-Quebec*, and *Cape-Breton*,
" to give up the ſaid Places and Forts."

Although *Acadie* was thus given up in general Terms, and its Limits not deſcribed by this Treaty; yet the Reſtitution that was made in Purſuance of it, and the Commiſſions that were granted to the *French* Governors to take Poſſeſſion upon ſuch Reſtitution, very particularly point out the Extent of the Territory.

As Proofs of this, ſeveral Original Commiſſions were produced, whereby it appeared, that the Court of *France*, in conſtituting certain Perſons, Governors and Lieutenants General of *Acadie*, mentioned the Forts of *Pentagoet* and *St. John*, as being under their Juriſdiction; and deſcribed the Extent of the Country " to be-
" gin from the Banks of the Great River
" of *St. Laurence*, and to take in as well
" the Coaſts of the Sea and the adjacent

" Iſlands,

" Iſlands, as the inland Part of the *Terra*
" *firma*; and this to extend as far as may
" be to *Virginia*."

It may be neceſſary to explain, that *Virginia* was, at that Time, the Name of all the *Engliſh* Colonies on the *Continent* of *America*, divided into ſeparate Provinces and Governments, and extending to the Eaſtern Boundaries of what we now call *New-England*, bordering upon *Acadie*.

During the Time the *French* were thus in Poſſeſſion of this Country, ſeveral Hoſtilities were committed by the two Nations in thoſe Parts; and, in 1654, *Oliver Cromwell* ſent thither a Fleet of *Engliſh* Ships, and took *Pentagoet*, which was delivered up to him, by the then Governor of *Acadie*; and, keeping Poſſeſſion of what he had ſo acquired, conſtituted, in the Year 1656, Colonel *Thomas Temple*, Governor of the Forts of *St. John* and *Pentagoet*, as appears by the original Warrant which was produced, wherein theſe Forts are mentioned as being

ing in *Acadie*, commonly called *Nova-Scotia*, in the Parts of *America*. And, in 1662, this Acquiſition ſtill remaining in the Poſſeſſion of *Great-Britain*, the ſame Colonel *Thomas Temple* was appointed Governor of *Nova-Scotia* in *Acadie* by King *Charles* II.

It was about this Time that the Count *d'Eſtrades* arrived in *England*, as Ambaſſador from the Court of *France*, in order to demand the Reſtitution of *Acadie*; whoſe original Letters upon this Subject, have been cited as authentick Evidences of what were then deemed to be the Limits of the Country they wanted to be reſtored: For Example, in his Letter of the 27th of *February* 1662, he acquaints His Moſt Chriſtian Majeſty, that certain Deputies from *New-England* had preſented a Petition to King *Charles* II. and the Parliament of *England*, ſetting forth many ſtrong Reaſons againſt the Reſtitution of *Acadie* to the *French*, which he had repeated Inſtructions to demand; and Commiſſaries having at his Deſire

been

been appointed to treat with him upon that Affair, he had, in the Conferences with them, demanded the Reſtitution of all *Acadie*, containing 80 Leagues of Country; and that the Forts of *Pentagoet*, *Port-Royal*, and *La Heve*, ſhould be reſtored in the ſame Condition they were in when taken.——Alſo in his Letter of the 13th of *March* following, he calls *Pentagoet* the firſt Place in *Acadie*. —— And in another Letter of the 25th of *December* 1664, where he is reaſoning in Favour of a League with *England*, he ſays, " Your Majeſty may alſo, by a " Treaty with the King of *England*, get " *Acadie* reſtored from *Pentagoet* to " *Cape-Breton*, containing 80 Leagues of " Coaſt."

The Reſtitution which the *French* had ſo much deſired, was at Length accompliſhed by the Treaty of *Breda*, dated the 21ſt of *July* 1667. This brings us to the ſecond Period of Time, in which it was neceſſary to examine what were then the Limits of *Acadie*.

By

By the Xth Article of this Treaty, the King of *England* was to reſtore and give up the Country called *Acadie*, ſituated in *North-America*, which His Moſt Chriſtian Majeſty *formerly* enjoyed; and, for the compleating this Reſtitution, he was forthwith, after the Ratification of that Alliance, to deliver all ſuch Acts and Orders, expedited in due Form, as were neceſſary to that End.

Accordingly the *Engliſh* Commiſſaries produced this very Inſtrument for the Reſtitution of *Acadie* to the *French*, dated the 17th of *February* 1667, whereby King *Charles* II. in Purſuance of the above Agreement, ſurrendered for himſelf, his Heirs, *&c.* all that Country called *Acadie*, lying in *North-America*, which the ſaid Moſt Chriſtian King did *formerly* enjoy, as namely, the Forts and Habitations of *Pentagoet*, *St. John*, *Port-Royal*, *La Heve*, and *Cape-Sable*.

Monſieur *de Ruvigny* was at this Time at *London*, Ambaſſador from the Court of *France*; and it is remarkable, that in that

this Inftrument there is a Marginal Note oppofite to the Names of the above-mentioned Forts, in thefe Words, *viz.* " in-" ferted at the Requeft of Monfieur *de* " *Ruvigny.*"

They further proved, that the Sieur *Morillon du Bourg*, was then commiffioned, under the Great Seal of *France*, to take Poffeffion of *Acadie*, and that accordingly, on the 21ft of *October* 1668, he demanded the Reftitution thereof from Sir *Thomas Temple*, the fame Perfon mentioned before to have been appointed Governor of it by King *Charles* II. prefenting him at the fame Time with a Letter from the King of *England*, dated the 31ft of *December* 1667, under His Signet, containing His Majefty's Orders for that Purpofe; and that Sir *Thomas Temple* making feveral Scruples in complying therewith, alledging that *Pentageot* was not in *Acadie*, but in *Nova-Scotia*; King *Charles* II. difapproving thefe ill-grounded Diftinctions, fent His final Orders to him, by another Letter dated the 6th of *Auguft* 1669,

therein repeating, that it was His Majesty's exprefs Will and Pleafure, that he fhould, without any Manner of Doubt, Difficulties or Delay, reftore or caufe to be reftored to His Moft Chriftian Majefty, the faid Country of *Acadie*, as namely, the Forts and Habitations of *Pentageot*, *St. John*, *Port-Royal*, *La Heve* and *Cape-Sable*, which His Moft Chriftian Majefty's Subjects formerly enjoyed; and that he fhould conform himfelf in the Execution thereof to what is fet down in the Xth and XIth Articles of the Treaty of *Breda:* Accordingly the Poffeffion of *Acadie*, with the faid Forts, were delivered on the 6th Day of *July* 1670, to the Chevalier *de Grand-Fontaine*, at that Time appointed by Commiffion under the Great Seal of *France*, to receive the fame.

The *French*, being again in Poffeffion, began frequently to make Attempts towards enlarging the Boundaries beyond *Pentagoet*, as far as *St. George*'s, and even to *Kennebequi* River, fituated further Weftward than *Pentagoet*. This has

has been proved by ſeveral Memorials which had been preſented by *French* Ambaſſadors, reſiding at thoſe Times at the *Engliſh* Court, in which, when they were to complain of the *Engliſh* for fiſhing on the Coaſts of *Acadie*, they deſcribe the Coaſts as extending from the Iſle *Percée*, which lies near *Cape Roziers*, at the Entrance of the River *St. Laurence*, to *St. George*'s Iſland, lying at the Mouth of the River *St. George*. When they were to vindicate their Right of importing Goods into *Pentagoet*, they inſiſted, that by the Treaty of *Breda*, it was decided to be in *Acadie*, and had been delivered up to the King their Maſter by Virtue thereof. It appears alſo, that when the Governors of *Acadie* were to complain to thoſe of *New-England* of Encroachments made on their Territories, they mention in their Letters the River *Kennebequi* as the Boundary of the two Nations: And laſtly, it has been ſhewn, that when *Port-Royal* was taken by the *Engliſh* from the *French* in 1710, Monſieur *Subercaiſe*, then

Governor of *Acadie*, and Commandant of that Fort, in the Articles of Capitulation, ſtiled himſelf " Governor of *Acadie*, " *Cape-Breton*, and the Iſlands and Lands " adjacent, from *Cape Roziers* of the Ri- " ver of *St. Laurence* to the Weſt of the " River *Kennebequi*." It cannot be preſumed that he would have taken this Title, unleſs he had been warranted by his Commiſſion.

All the Proofs above recited were alledged to be ſo much the ſtronger as they were produced from the *French* Records, and from Repreſentations, which the *French* themſelves made of the Extent of this Country, whilſt they were in Poſſeſſion of it. Whence it appears, that from the Treaty of *St. Germain*'s to the Treaty of *Breda*, and from the Treaty of *Breda* to the Time of the Treaty of *Utrecht*, which was the laſt Period of their Poſſeſſion, they made *Acadie* to comprehend not only the *Peninſula*, but alſo the *Continent* on the other Side of the Bay of *Fundi*; and to take in the Forts of *Port-*

Royal,

Royal, *Pentagoet*, and *St. John*, together with the ſame Northern and Eaſtern Boundaries, as are now claimed by the Crown of *Great-Britain.*

But as the XIIth Article of the Treaty of *Utrecht* transferred over to *Great-Britain* both *Nova-Scotia* as well as *Acadie* with its Ancient Limits; it was neceſſary to ſet forth the Letters Patent, or Inſtrument in Writing, by which *Nova-Scotia* was firſt erected into a Colony, and from whence it originally took its Name. To this Purpoſe the *Engliſh* Commiſſaries produced the Grant from King *James* the Iſt, dated the 10th of *September* 1621, to Sir *William Alexander*, afterwards Earl of *Sterling*, of certain Diſtricts and Territories in *North-America*, to be ever after called by the Name of *Nova-Scotia*; in which Grant, all the Lands, Continents and Iſlands, intended to be compriſed under that Name, are there marked out by the ſame Northern, Eaſtern, and Southern Limits, as we have before aſcribed to *Acadie.* For this Reaſon it may be ſup-

poſed,

posed, the same Territory was generally called either by one or the other, or by both these Names, except that *Nova-Scotia*, if distinctly considered under this Grant, was bounded on the West by the River *St. Croix*; and *Acadie*, considered by itself, extended a little farther Westward to the River *Pentagoet*. But both are now included as one and the same Country, being so surrendered to *Great-Britain* by the Treaty of *Utrecht*.

To these Historical Accounts was added the Evidence of Maps, both Ancient and Modern, *French*, *English*, and Neutral Ones; all which have extended the Limits of the Country, marked by them to be *Nova-Scotia* or *Acadie*, to comprise not only the whole of the *Peninsula*, but also Part of the *Continent* on the other Side of the Bay of *Fundi*. And these Maps were also relied upon to be so much the stronger Evidence, if Maps are at all to be relied on, as the Ancient *English* Maps have marked out this Extent at the Time when the *French* were in Possession of that

Country;

Country; and the Modern *French* Maps have marked out the ſame ſince the *Engliſh* have been in Poſſeſſion of it.

It is farther to be obſerved, that this Territory, in moſt of the Maps printed before the Treaty of *Utrecht*, is called by the Name of *Nova-Scotia*. So was it alſo called by ſeveral ancient Hiſtorians, and accordingly was demanded by that Name, on the Part of the Crown of *England*, in the Tranſactions previous to the Treaty of *Utrecht*, whilſt the *French*, in their Propoſals, affected to call it *Acadie*; yet all the while both meant the ſame Country: And ſince it was ſometimes called by one, and ſometimes by the other, and oftentimes by both Names; it was agreed at laſt to be ceded by the Name of *Nova-Scotia* or *All Acadie*, and to put it beyond all Diſpute, the Ceſſion of it was afterwards made by the Name of *Nova-Scotia* otherwiſe called *Acadie*.

As therefore the Right of the Crown of *Great-Britain* to the Country claimed by the Name of *Nova-Scotia* or *Acadie*

is founded on the XIIth Article of this Treaty, it may be proper here to insert the literal Translation of it in *English* with the Original Text, as follows.

" * The most Christian King shall " take Care, on the same Day that the " Ratifications of the present Peace shall " be exchanged, to have delivered to " the Queen of *Great-Britain* solemn " and authentick Letters or Instruments, " by Virtue whereof the Island of *St.* " *Christopher* is to be possessed alone here- " after by *British* Subjects; likewise *No-* " *va Scotia* or All *Acadie*, with its an- " cient

* Dominus Rex Christianissimus eodem quo Pacis Præsentis Ratihabitiones commutabuntur die, Dominæ Reginæ Magnæ Britanniæ Literas, Tabulasve solennes et authenticas tradendas curabit, quarum vigore, Insulam Sancti Christophori, per subditos Britannicos sigillatim dehinc possidendam, Novam Scotiam quoque, sive Acadiam totam, Limitibus suis antiquis comprehensam, ut et Portûs Regii Urbem, nunc Annapolin Regiam dictam; cætera omnia in istis regionibus quæ ab iisdem Terris et Insulis pendent, unà cum earundem Insularum, Terrarum et Locorum Dominio, Proprietate, Possessione

" cient Limits, as alſo the City of *Port-*
" *Royal*, now called *Annapolis-Royal*, and
" all *other* Things in thoſe Regions,
" which *depend* on the ſaid Lands and
" Iſlands, together with the Dominions,
" Propriety and Poſſeſſion, and all
" Right whatſoever, whether by *Treaties*,
" or any *other Way* acquired, which the
" Moſt Chriſtian King, the Crown of
" *France*, or any of its Subjects have
" *hitherto* had to the ſaid *Iſlands*, *Lands*,
" and *Places*, and the Inhabitants thereof,
" to be yielded and transferred to the

ſione et quocunque jure, ſive per *Pacta*, ſive *alio modo* quæſito, quod Rex Chriſtianniſſimus, Corona Galliæ, aut ejuſdem ſubditi quicunque, ad dictas *Inſulas*, *Terras* et *Locas*, eorumque Incolas *Hactenus* habuerunt, Reginæ Magnæ Britanniæ, ejuſdemque Coronæ, in perpetuum cedi conſtabit et transferri, prout eadem omnia nunc cedit ac transfert Rex Chriſtianniſſimus : Idque tam amplis modo et formâ, ut Regis Chriſtianniſſimus ſubditis in dictis Maribus, ſinubus, aliiſque locis ad littora Novæ Scotiæ, *ea* nempé quæ Eurum reſpiciunt, intra triginta Leucas, incipiendo ab Inſula vulgò Sable dicta, eâque incluſâ, et Africum verſus pergendo, omni Piſcaturâ in poſterum interdicatur.

" Queen of *Great-Britain*, and to Her
" Crown for ever, as the Moſt Chriſtian
" King now yields and transfers all the
" ſaid Particulars: And that in ſuch am-
" ple Manner and Form, that the Sub-
" jects of the Moſt Chriſtian King ſhall
" hereafter be excluded from all Kind of
" Fiſhing in the ſaid Seas, Bays and
" other Places on the Coaſts of *Nova-*
" *Scotia*, that is to ſay, on *thoſe* which
" lye towards the South Eaſt, within
" 30 Leagues, beginning from the Iſland
" commonly called *Sable*, incluſively,
" and thence going towards the South
" Weſt."

The Crown of *Great-Britain*, in Conſequence of this Ceſſion, has ever ſince inſiſted on its Right to *Nova-Scotia*, or *All Acadie*, with the ſame Ancient Limits, with which it was acquired and poſſeſſed by *France*, in Virtue of any *former Treaties or otherways.* Whatever therefore were the Limits of this Territory, at and before the Treaty of *St. Germain*'s, in 1632; or at and before the Treaty of

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Breda, in 1667; or at and before the Treaty of *Utrecht*, in 1713; they are ſtill the ſame, reconfirmed to His Majeſty by the late Treaty of *Aix-la-Chapelle* in 1748, founded on the Baſis of the former Treaties; by the IXth Article of which, after fixing the Times in which the particular Reſtitutions, there referred to, were to be made in the *Eaſt* and *Weſt-Indies*, it is ſtipulated, that every Thing beſides ſhould be re-eſtabliſhed on the Foot they *were*, or *ought* to have been, before the War.

Thus far having recapitulated the uniform Series of Proofs, in due Order of Time, to juſtify our Claim to what we call the Ancient Limits of *Acadie*; it is but juſt, that We take Notice of what the *French* Commiſſaries have been pleaſed to urge in Support of their Syſtem; by which they would reduce *Acadie*, to be a Part only of the *Peninſula*, that goes by that Name.

This they have attempted, by their Memorial dated the 4th of *October* 1751,

which is divided into ſeveral Chapters; in ſome Parts Hiſtorical, in ſome Parts Argumentative; in all Parts eluding or evading the Point in Queſtion; miſciting in ſeveral Inſtances the Proofs referred to, by either tranſpoſing the Words, or adding others; and from hence offering in the Room of the Real to ſubſtitute an Ideal *Acadie*, not deſcribed in any Hiſtory, nor mentioned in any Treaty, nor delineated in any Map; in which they neither include *Port-Royal*, hitherto conſidered as one of its principal Forts, nor have told Us what they call the Inland Parts of the *Peninſula*; ſo that *Port-Royal* is a Fort ſituated in no Province, and *Acadie* is the Coaſt of a Country that has no Name. Such is the Syſtem they would endeavour to ſet up, which being founded neither on Reaſon nor Reality, has been entirely overthrown by the *Engliſh* Reply, dated the 23d of *January* 1753, divided, as the *French* Memorial, under ſeveral Heads; expoſing in ſome Parts the Fallacy of their Objections; refuting

refuting them in others from the Teſtimony of Hiſtorians, Maps and Treaties; and upon the Whole by a Series of Proofs and Arguments eſtabliſhing His Majeſty's Right to that Real Country, and thoſe Ancient Limits, which have been ſo often before deſcribed.

Notwithſtanding all this, the Author of the *Summary Diſcuſſion* has adopted the Syſtem of the *French* Commiſſaries, without any Regard, excepting in one or two Inſtances, to what has been urged to the contrary in the *Engliſh* Reply. When therefore he forms his Arguments from the *French* Memorials, he will be anſwered from that Reply; and where he ſtarts new Objections, they will be oppoſed by new Proofs, which there has not yet been an Opportunity of producing. And ſince the above-mentioned Abſtract has been publiſhed, with a View, as it is ſaid, of reducing the Arguments on both Sides into a ſhort and yet ſufficient Compaſs to explain the Points in Queſtion; and

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this being the very Intent of the Treatiſe now offered; it will be the beſt Method to confine it to the chief Points taken Notice of in the *French* Treatiſe; and to conſider ſuch Arguments only upon thoſe Points, as may be deduced, by way of Conſequence, from what the *French* Commiſſaries are pleaſed to call, The *Letter* and *Spirit* of the Treaty of *Utrecht*, to which they refer themſelves by their firſt Memorial.

But previous to our entring into the Conſideration of this Treaty, it will be neceſſary to take Notice of the Evidence of two Perſons, cited by the Author of the *Summary Diſcuſſion*, as the only two, who, he ſays, have properly treated this Subject concerning the Limits of *Acadie*; namely, the Sieur *Denys* a *Frenchman*, and Sir *Thomas Temple* an *Engliſhman*: The firſt is deſcribed as a Writer, in all Reſpects, worthy of Credit; and who has marked out, in the moſt preciſe Manner, that *Acadie* begins at the ſetting out of

of the Bay *Françoiſe*, and extends to *Cançeau*; but in what Part of his Works this preciſe Remark is to be found, is not mentioned; and it ſeems only to be collected from a Paſſage, wherein that Hiſtorian gives an Account of a Tour he made round the Bay of *Fundi*, called by the *French* Bay *Françoiſe*; and in coming out from thence, he calls the Coaſt from *Cape Sable* to *Cape Cançeau*, the Coaſt of *Acadie*, of which it certainly was a Part, but nothing from hence can be inferr'd that it was the whole Coaſt.

No better Succeſs will attend the other Evidence of Sir *Thomas Temple*, in introducing of which a wrong Conſtruction is offered to be put upon the Xth Article of the Treaty of *Breda*, by blending it with the XIIth Article of the ſame Treaty, as if both were relative only to one and the ſame Object; whereas the Stipulation in the Xth Article is confined ſolely to the Reſtitution of *Acadie*, and the XIIth to the Reſtitution of all Places elſewhere ſituated, which had been re-

ſpectively taken by the two Crowns from one another during the preceding War. Accordingly the Act of Reſtitution of King *Charles* II. in purſuance thereof, is divided into two Parts; in the Firſt, it recites the Agreement made for the Reſtitution of the Country called *Acadie*, lying in *North-America*; and accordingly ſurrenders and delivers the ſame, as namely, the Forts and Habitations of *Pentagoet*, *St. John*, *Port-Royal*, &c. After which it recites the Reſtitution made of the Country of *Cayenne* in *America*, as being what the Crown of *England* had taken from *France* before the ſigning of the ſaid Treaty. Whilſt therefore this *French* Author is accuſing the *Engliſh* of Illuſion and Artifice, in wrongly applying the Word Ceſſion inſtead of Reſtitution, in order to aſſimilate, as he calls it, the Treaties of *Breda* and *Utrecht*; although, by the Reply, it is proved to have been no Miſapplication at all; may we not, with more Juſtice, retort this Accuſation upon himſelf, for having aſſimilated the

Articles

Articles above-mentioned, with a Deſign of inſinuating that *Pentagoet* was not delivered up as part of *Acadie* in purſuance of the Xth Article, but was reſtored as a Fort taken before the War, in purſuance of the XIIth Article; yet even in this, he is not ſupported by the Evidence which he has produced for it; for the Diſpute between Sir *Thomas Temple* and the *French* Governor, went no farther than, whether *Pentagoet* was in *Acadie* or in *Nova-Scotia*; now if that Fort had come under the Deſcription of the XIIth Article, ſuch a Diſpute would have been unneceſſary; and after all, the Evidence of Sir *Thomas Temple*'s Diſtinction is inconcluſive in every Reſpect: For firſt, it muſt be obſerved, that it was overruled both by *France* and *England* at the Time it was made, and conſequently is now an Authority againſt the Point it is cited for. Secondly, if any Diſtinction could be made, he was certainly miſtaken in the Fact; ſince *Pentagoet*, which he ſaid was in *Nova-Scotia*, and not in *Aca-*

die, was, if they were to be conſidered diſtinctly, in *Acadie* and not in *Nova-Scotia*; and laſtly, to what Purpoſe are any ſuch Diſtinctions now made, ſince both *Nova-Scotia* and *Acadie* are jointly given up by the Treaty of *Utrecht*.

I ſhall now proceed to the Proofs reſulting from the *Letter* of this Treaty: The Author of the *Summary Diſcuſſion* ſets out with citing only a Part of, what he calls, the XIIth Article; for in Fact he inſerts the Words of the Ceſſion and not of the Article. This Manner of citing from pretended and erroneous Tranſlations has been more than once objected to by the *Engliſh* Commiſſaries, as appears by their Memorials, which Objection the above Author is pleaſed to ſay proves only the Extremities one is reduced to in defending a bad Cauſe. He pretends, at the ſame Time, that the *French* Text is the Original as well as the *Latin*; but it will preſently appear, that in ſome of the following Citations, the Terms are very different, and conſequently They cannot both

both be Originals. It is well known, that this Treaty was drawn up in the *Latin*, as a Neutral Tongue between the contracting Parties; the Original of which is now in the Secretary of State's Office at *London*, ſigned by the proper Hand-writing of the reſpective Plenipotentiaries: In a Diſpute therefore between Nation and Nation, no Article of it ought to be produced but from that original Text. So that citing it from a Tranſlation and that a falſe Tranſlation, ſhews indeed the Extremities to which the Advocates in a bad Cauſe are reduced, who often ſhew their Skill in wreſting the Senſe of what makes againſt them, by miſciting the Words, or when the Words make quite againſt them, by not citing them at all.

How flagrant doth this appear, by this Author's having cited only a Part of the XIIth Article of the Treaty, omitting the explanatory Words, by which the Extent of the Ceſſion is deſcribed, for after granting *Nova-Scotia* or *All Acadie*, with its antient Limits, as alſo *Port-Royal*, other-

wiſe called *Annapolis-Royal*, it further adds, " And all other Things in thoſe " Regions which depend on the ſame " Lands and Iſlands, together with the " Dominion, Property and Poſſeſſion of " them, and all Right whatſoever by " *Treaties*, or any *other Way* obtained;" all which Part, tho' the moſt material, and upon which lies the chief Streſs of the Point in Queſtion, has been induſtriouſly paſſed over by this, properly called, *Summary Diſcuſſion*.

After this imperfect Citation, it proceeds to put the following Miſconſtruction upon it. It appears, ſays the Author, by the Terms of the Treaty of *Utrecht*, that the Ceſſion, ſtipulated by the XIIth Article, was reſtrained to a Country ſingly called *Acadie*, with its Ancient Limits. As a Proof of this, he obſerves, that *Nova-Scotia* is only an empty Denomination, without having any real Exiſtence before the Treaty; for that the Letters Patent of King *James* I. to Sir *William Alexander* in 1621, produced by the

the *Engliſh* Commiſſaries, as marking out a Territory to be ever after called by the Name of *Nova-Scotia*, was a void Grant; inaſmuch as no Poſſeſſion was taken, nor any Government eſtabliſhed in Purſuance thereof; and from whence, therefore, no Conſequence could be derived in Support of our Claim to any Country by that Name in the preſent Diſpute.

Now not to lay any farther Streſs upon what has been proved, that Sir *William Alexander* did take Poſſeſſion of the Country deſcribed by Virtue of that Grant, let it ſuffice to remark, that the chief Purpoſe, for which the Grant was produced, was to ſhew the original Riſe of the Name of *Nova-Scotia*: From whence, by a Chain of Conſequences, the following Inferences are to be deduced, as unanſwerable Arguments, in Proof of the Exiſtence of a Country called *Nova-Scotia*, and of its Original and moſt Ancient Boundaries.

For ſince, from this Grant the Territory or Diſtrict therein deſcribed firſt obtained

tained the Name of *Nova-Scotia*, the Country, afterwards called by that Name, muſt compriſe all the Lands, Iſlands, Bays, *&c.* which paſſed by the original Grant under the Name of *Nova-Scotia.*

Therefore, if *France* yielded a Country, called by that Name by the Treaty of *Utrecht*, it yielded the Territory compriſed within the Limits deſcribed by the Deed, from whence it derived that Name.

Hence it muſt be concluded, that if *England* has now a Right to the Poſſeſſion of *Nova-Scotia*, it has a Right to the Poſſeſſion of all the Lands, Iſlands, Bays, *&c.* to which this Grant originally gave the Name of *Nova-Scotia*; except what has been reſerved to *France* by the Treaty before-mentioned.

Accordingly it was with a View to this Grant, as well as to former Treaties, that the Crown of *Great-Britain* demanded this Country at the Treaty of *Utrecht*, by the Name of *Nova-Scotia* or *Acadie*, which, we contend, by a natural Conſtruction, implies a Country called by either

either one or the other of thoſe Names. We have ſhewn, that it was ſometimes called by one and ſometimes by the other, long before the Treaty of *Utrecht*; ſince therefore it was agreed, by the XIIth Article, to be yielded up under both thoſe Denominations; and ſince the actual Ceſſion of it was afterwards made by a yet clearer Deſcription, in naming it *Nova-Scotia*, otherwiſe called *Acadie*; how groundleſs is the Preſumption, now to aſſert, that *France* did not, and could not, make a Ceſſion of any Country called *Nova-Scotia*?

But we find this Attempt of perſuading us out of the Name of *Nova-Scotia*, is with a Deſign not only to confine the Ceſſion ſolely to a Country called *Acadie*, but alſo to limit general *Acadie* to that particular Part of it, which from all Ages they ſay had no other Name. For now the *French* argue, that the Treaty muſt be conſtrued to reſtrain the Ceſſion to a certain Ancient *Acadie*, properly ſo called, diſtinguiſhed from the Countries, to which

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the ſame Name might have been given; and this new Name of Ancient *Acadie* they aſcribe to the South-Eaſtern Coaſt of the *Peninſula*, in Excluſion of all other Parts of the Province, which had any peculiar Names to diſtinguiſh them from each other, though they were all compriſed under the general Appellation of *Acadie*. By this Method of Reaſoning, we might as juſtly pretend to prove, that no Province in *France*, except that which is named *L'Iſle de France*, properly ſo called, ought to be deemed to be within the Ancient Limits of the Kingdom of *France*. But how vain is it to uſe Subtleties and Refinements to reſtrain a Ceſſion, which by the very Terms of it was intended to be made with the utmoſt Latitude, and in the moſt extenſive Manner; for by the Article above cited, the Grant of *Nova-Scotia* or *All Acadie* is made, "together with all the Dominion, "Property, and Poſſeſſion of the ſaid "*Iſlands*, *Lands*, and *Places*, and all "Right whatſoever, whether by Trea-

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"ties or otherways, which the Moſt "Chriſtian King, the Crown of *France* "or any of its Subjects have *hitherto* had, "*Hactenus habuerunt.*" Hence it is manifeſt, firſt, that the Grant of *Acadie* is not to be reſtrained to a ſingle Sea Coaſt of a Country, but muſt denote a Province or Territory containing all the *Iſlands*, *Lands*, and *Places*, which *France* had hitherto been poſſeſſed by any former Treaty or otherways: And in the ſecond Place, the Word *hitherto* deſtroys all Notion of an Ancient *Acadie*, and brings down the Deſcription of the Country to what it was at the very Time when *France* gave it up; for ſo the Word *Hactenus* in the original Text of this Article muſt imply.

The next Argument for reſtraining *Acadie* to the South-Eaſtern Coaſt of the *Peninſula*, is becauſe *Port-Royal*, otherwiſe called *Annapolis-Royal*, which lies on the other Side of it, was ceded by the XIIth Article in ſeparate Terms, namely, *as alſo Port-Royal*, &c. in Anſwer to this, it has

been inſiſted upon on our Part, that the particular Stipulation for the Ceſſion or Reſtitution of a Fort, never was deemed to ſeparate it from the Province to which it belonged: To this Purpoſe three ſeveral Treaties were referred to in the Reply, as Inſtances, where, beſides the general Ceſſion of a Territory, the Towns and Fortreſſes ſituated therein, have alſo been ſpecified in the ſame Article: The Author of the *French* Diſcuſſion obſerves, that the two laſt of theſe Treaties, were only Copies or literal Tranſlations of the firſt; be it ſo, ſince it proves the Precedents to be more compleat and uniform. It appears, by the VIIth Article of that Treaty, concluded between *France* and the States-General at *Utrecht* the 11th of *April* 1713, That the Ceſſion of *Upper Guelder* to the King of *Pruſſia* was made in general Words, and yet the Towns, Bailywicks, and Lordſhips of *Strahlen*, *Wachtendonck*, &c. were afterwards particularly ſpecified, although they were Dependents on the Town of *Guelder*: Upon this the

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French Author has obſerved, that it is not a parallel Caſe to the preſent, becauſe that Article did not make a Ceſſion of all *Guelder*, but only of what His *Pruſſian* Majeſty poſſeſſed in *Upper-Guelder*; whereas with Regard to the Point here in Queſtion, the Treaty of *Utrecht* makes a Ceſſion of all *Acadie*; from whence he deduces this Diſtinction, that in yielding all *Acadie*, there was no Neceſſity of ſpecifying *Port-Royal*, if it was any Part of it; whereas in treating for a Part only of *Guelder*, the Enumeration of all the Parts yielded up was indiſpenſible: Now, in Anſwer to this Diſtinction without a Difference, it muſt be obſerved, that the Town of *Guelder*, with its Præfecture and Bailywick, and all its Dependencies, were yielded in general Terms, ſpecifying afterwards, *as alſo* the Towns and Lordſhips of *Strahlen*, *Wachtendonck*, &c. and yet their being ſo ſpecified, was never preſumed to imply that they were not Parts of what had been before given up by the general Ceſſion. So we argue that *Port-Royal* was dependent upon *Acadie*,

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and yet was particularly named in the Article of Ceſſion, but being ſo named, did not therefore ſeparate it from its Dependency.—That it was *dependent*, appears plainly by the ſubſequent Words of the Article, which after giving up all *Acadie*, as alſo *Port-Royal*, adds, " And " all *other* Things in thoſe Parts, which " *depend* on the ſaid Lands and Iſlands, " *&c.*" Theſe ſubſequent Words, ſo very material to clear up all Difficulties in this Diſpute, the *French* Author, in his uſual candid Manner, has wholly ſuppreſſed.

No leſs unfair has He been in the Uſe he would make of his *French* Tranſlation of the latter Part of the ſame Article, which, by the Words being tranſpoſed, he would inſinuate determined the Extent of the Ceſſion, by excluding the Subjects of His Moſt Chriſtian Majeſty from fiſhing in the Seas, Bays, and other Places, within thirty Leagues of the Coaſt of *Nova-Scotia* to the South-Eaſt, beginning from the Iſland commonly called *Sable*, and ſtretching from thence to the South-Weſt. Hence he pretends that this

this is a Deſcription of what were the Seas of *Acadie*; namely, that they were the Seas, which begin from the Iſland called *Sable*, and go from thence to the South-Weſt, and then he deſires the Reader only to caſt his Eyes on the Map, to ſee that this Deſcription of the Seas of *Acadie*, can be reconciled only to the Limits of what the *French* call Antient and Proper *Acadie*: But the Reader is firſt deſired to caſt his Eyes on the original Text of this Article, where he will find the Falacy both of the Citation and of the Conſtruction that is put upon it; for in deſcribing in what Parts the *French* ſhould be excluded from fiſhing, it is not ſaid on the Coaſts of *Nova-Scotia* in general, but "on the Coaſts of *Nova-* "*Scotia*, that is to ſay, on *thoſe* which "lie on the South Eaſt." This therefore is not a Deſcription of all the Seas and Coaſts of *Nova-Scotia*, but only of thoſe which lie on the South-Eaſt Side, which implies that the Country given up had Seas and Coaſts on the other Sides; we find alſo that Mention is made all along of the

Seas and Coaſts of *Nova-Scotia*, in the plural Number, contrary to the Poſition which the *French* would lay down, that the whole conſiſts of one Coaſt only. Laſtly let it be particularly remarked, that theſe are here named the Coaſts of *Nova-Scotia*, and not of *Acadie*, and yet they are the ſame Coaſts which the *French* Commiſſaries would call *Acadie* upon the ſole Foundation of their having never been called by any other Name.

But if *Acadie*, ſays this Antagoniſt, comprehends all the Coaſts from *Cape-Cançeau* to the Entrance of the River of *St. Laurence*; it would reſult from thence, that all the Iſlands, ſituated in the Gulph of that Name, would belong to *Great-Britain*. But, ſays he, the Treaty of *Utrecht* declares the contrary, in the moſt formal, preciſe, and clear Manner, namely, by the XIIIth Article. And ſo we allow it does; but it being by Way of Exception, proves, in the moſt formal, preciſe, and clear Manner, that all the Iſlands, within the Gulph of *St. Laurence*, were, at the Time of making this Treaty, under-

understood to be within the Limits of Ancient *Acadie*, just as it was described by the *English* Commissaries in their first Memorial. For *France* having yielded all *Acadie* by the XIIth Article; and it being nevertheless agreed, that it should reserve these Islands; it was stipulated in the latter Part of this XIIIth Article, by Way of Exception to what had been given up before, in the following Manner. "*Insula vero, Cap-Breton dicta, ut* "*& aliæ quævis, tam in Ostio Fluvii* "*Sancti Laurentii, quam in sinu ejusdem* "*nominis sitæ, Gallici Juris in posterum* "*erunt.*" From hence it appears, that the Island called *Cape-Breton*, together with all others, both in the Mouth of the River of *St. Laurence*, and within the Gulph of the same Name, were in *Acadie*, but agreed to remain under the *French* Jurisdiction, notwithstanding the Country, to which they belonged, was given up by the preceding Article.

Here I must observe, that this Part of the XIIIth Article is also wrongly cited in the *French* Discussion; which is the

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more inexcuſable, as the Author muſt have known, that the *Engliſh* Commiſſaries, in their Memorials, had before complained of its having been ſo wrongly cited by the *French* Commiſſaries, who, in reclaiming the Iſland of *Cançeau* to be under the *French* Juriſdiction, as being excepted in the XIIIth Article above-mentioned, did for that Purpoſe change the Words of that Article, in ſuch a Manner, as to make the Exception therein contained extend to all the Iſlands in the *Mouth of the Gulph* of *St. Laurence*; whereas the Article in the Original excepts only the Iſlands in the *Mouth of the River*, and *within* the Gulph of *St. Laurence.*

In this Manner the *French* Advocates would curtail the Acquiſition we claim by Virtue of the Treaty of *Utrecht*; to the *Words* of which they have appealed, yet avoided to cite the moſt eſſential Part; and either miſcited or miſconſtrued all the others relative to the Point in Queſtion. How then could it be imagined, that ſuch an Attempt, to deceive or miſlead the Judgment of the

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ſeveral Courts of *Europe*, in which their Memorials and this Diſcuſſion have been diſtributed, would have been paſſed over by Us, without that Animadverſion it deſerves, or without a proper Vindication of His Majeſty's Right, by a fair Repreſentation of the *Letter* of the Treaty, which the *French* Commiſſaries, not being able to withſtand, when expoſed in its true and genuine Light, have endeavoured, if we may borrow the Expreſſions made uſe of in the Diſcuſſion, *à l'offuſquer*, *à le faire diſparoitre*, *à le noyer pour ainſi dire*, &c.

But, not to dwell any longer on Cavils of this Nature, I ſhall only add this general Obſervation, that when a Ceſſion of a Country has been made, in purſuance of a Treaty, to queſtion the Validity of the Ceſſion, merely from Criticiſms on the Words of the Treaty, will be the Means of keeping up eternal Diſputes; Diſputes about Words, of all others the moſt trifling. Therefore, to put an End to theſe, let us now examine the *Spirit* of the Treaty, ſince the Commiſſaries of His Moſt Chriſtian Majeſty have, in a Manner promiſed

mifed to abide by the Confequences, that may be derived from thence.

By the Spirit of the Treaty muft be meant the Effect it ought to have towards the End, for which it was made; and, to determine this, we muft confider upon what Motives, and in what Manner, it was agreed upon and concluded.

The Encroachments of the *French*, gaining upon Us, as has been before related, from *Pentagoet* to *St. George*'s *River*, and even farther Weftwards to the *River Kennebequi*, muft have occafioned frequent Difputes concerning the Limits of fuch neighbouring Territories, poffeffed fometimes by one, fometimes by the other, and often jointly by both. This made it neceffary, for the Prefervation of the Harmony, which was intended to be eftablifhed, that thofe bordering Diftricts fhould be united under one fole Jurifdiction. For while two fuch powerful Nations, jealous of each other, were fo near to each other, it cannot be imagined they could long live in a peaceable Situation.

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The Treaty therefore was agreed upon from the Motive of living in a more peaceable Manner in thoſe Parts, as appears by the Preamble, which recites, "That "it was to eſtabliſh an univerſal Peace "between the two Crowns, and the Sub- "jects of both, as well without as with- "in *Europe*, that a *peaceable Neighbour-* "*hood* might at all Times flouriſh."

But if, after this, only a Part of the *Peninſula*, and that the moſt diſtant from our Colonies, was to be given up as *Acadie*, what was to become of all the near adjoining Parts? And how could a *peaceable Neighbourhood* ſubſiſt and flouriſh, if the *French* were to remain Maſters of the intermediate Space between the Eaſtern Coaſt of the *Peninſula* and *New-England?* Whereas, by the *Engliſh* being put into Poſſeſſion of all *Acadie*, with the *Atlantick Sea* on one Side, and the Gulph and River of *St. Laurence* on the other, as it's natural Boundaries, the two Nations might be ſuppoſed to be ſo ſeparated from each other, as to remove all farther Cauſe of Jealouſies.

To this the Author of the Diſcuſſion has oppoſed two Conſiderations, which He mentions, as being of great Weight.

The Firſt is, that, at the Time of making the Treaty, it was not the *Intention* of the Parties to allow *Acadie* that Extent, which the *Engliſh* now pretend to give it. He cites, for that Purpoſe, the Anſwer of *Lewis* XIV, dated *June* 10, 1712, to the Propoſition then made by the *Engliſh* to leave *Cape-Breton*, as a neutral Iſland, common to both Nations. He exults over the *Engliſh* Commiſſaries, as having themſelves produced this Anſwer; and then, in his uſual Method, leaves out the material Part, for which it was produced. For firſt, he pretends to quote theſe Articles, to ſhew the *Intention* of the Parties, and yet does not inſert the Preamble which explains that *Intention*, and which appears to have been directly the ſame as mentioned above; ſince it recites, "that Experience had made it "too viſible, how impoſſible it was to "preſerve Peace, in Places poſſeſſed in "common by the *French* and *Engliſh*."

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The Experience, here alluded to, was their being jointly in Poſſeſſion of the Iſland of *St. Chriſtopher's*, and of the Northern Extremity of the Continent of *America*, when the Boundaries of *New-England* and *Acadie*, being only divided by Inland Rivers, gave Occaſion to frequent Hoſtilities between two Rival-Nations ſo near to each other. This was the Foundation of the *Engliſh* demanding the ſole Poſſeſſion of the Iſland of *St. Chriſtopher*, as alſo of *All Acadie*, conformably to its Ancient Limits; which, it is evident, the *French* King ſuppoſed, at that Time, to reach to the Extremity of the Land on the Side of the Gulph of *St. Laurence*; for he proceeds, in his Anſwer to obſerve, that " the *Engliſh* be-
" ing Maſters of *Acadie* and *Newfound-*
" *land*, the Navigation of that Gulph
" would be rendered precarious, if the
" Entrance of it was not ſecured by his
" Reſervation of the Iſland of *Cape-Bre-*
" *ton* ſolely to himſelf. This implies, that he conſidered the Gulph as ſituated between two Territories, of which the

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English were to be poſſeſſed, by the Treaty. And this is more manifeſtly explained by the Proviſo he offers, which the *French* Advocate has alſo thought fit not to mention, namely, "That the Fortifications He intended to "erect at *Cape-Breton* and on the Iſlands "in the Mouth of the *River*, and in the "*Gulph* of *St. Laurence*, were made "only for the Security of the Country, "and could never be of any Detriment "to the *Neighbouring* Iſles and Pro-"vinces." From hence nothing can be more plain than that *Lewis* XIV. conſidered *Acadie* as being in the Neighbourhood of the River and of the Gulph of *St. Laurence*, agreeably to the Northern and Eaſtern Limits the *Engliſh* Commiſſaries have all along aſcribed to it: And as to the Intent of the Parties with reſpect to the Weſtern Limits, we may appeal to the farther Propoſals made by *Lewis* XIV. in the ſame Memorial of the 10th of *June* above cited, and in another dated in *September* following; in both which He offers an equivalent for *Acadie*, "which

"if

" if consented to by the Queen of *Great-*
" *Britain*, the River *St. George* should
" thereafter be the Boundary, as the *Eng-*
" *lish* had formerly pretended." Observe that these were Answers to a Memorial that had been delivered by the Court of *Great-Britain* dated the 29th of *May* 1712; wherein the Cession of *Nova-Scotia* or *Acadie* was demanded, in general Terms, according to its ancient Limits, well understanding, that as these had been fixed by former Treaties, there would be less Room for Disputes than if they were to be settled by any new Agreement; and it was the *French* King who thus pointed out its particular Boundaries. These, in his Opinion, were the antient Limits of that *Acadie* which he was going to transfer to Us, and consequently the Grant of it must be taken according to the Intention of the Parties at the Time of making it, and by the Rule of Construction strongly against him who makes it.

Having explained what was the Intention of the Parties at the Time of con-

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cluding the Treaty, I ſhall proceed to conſider the *Manner* of its *Execution*, which was the ſecond Point propoſed by the *French* Author, as being of great Weight in this Diſcuſſion: Upon this, He obſerves, that from the Concluſion of the Treaty of *Utrecht*, to the Concluſion of the late Treaty of *Aix-la-Chapelle*, the *Engliſh* never pretended to make Settlements in the Gulph of *St. Laurence*. If the Iſlands in the Gulph are here meant, it is true, the *Engliſh* have formed no Pretenſions thereto, ſtrictly adhering to what was ſtipulated by the XIIIth Article of the Treaty of *Utrecht*: But if, by this vague Expreſſion, it is meant, that We never form'd any Pretenſions to the Continent bounded by the Gulph of *St. Laurence*, it will appear, on the contrary, by the moſt concluſive Evidence, that the *Engliſh* not only formed Pretenſions, but actually took Poſſeſſion both of that Part of the Continent, as alſo of all the Coaſts round the Bay of *Fundi*, and of the Whole *Peninſula*, under the Name

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of *Nova-Scotia* or *Acadie*, by Virtue of the Ceſſion made immediately after the Treaty. And with Regard to the *French* being ſuffered peaceably and quietly to enjoy the Settlements they had before made therein, as ſuggeſted by the *French* Author, it is manifeſtly to be accounted for, upon the Terms, that were ſtipulated by the XIVth Article of the ſame Treaty, which he has entirely omitted to make any Mention of, although material to the Point in Queſtion, and whereby it was provided, " That in all the Places " and Colonies to be yielded and reſtored " by the Moſt Chriſtian King in purſu- " ance of this Treaty, his Subjects might " have Liberty to remove themſelves " within a Year to any other Place, as " they ſhould think fit, together with all " their moveable Effects; but thoſe who " were willing to remain there, and to " be ſubject to the Kingdom of *Great-* " *Britain*, ſhould enjoy the free Exer- " ciſe of their Religion, according to the " Uſage of the Church of *Rome*, as far

" as the Laws of *Great-Britain* would " allow the ſame."

In purſuance of this Agreement, the *French* had their Option, either to quit the Country, or to remain Subjects of the Crown of *Great-Britain*, upon the Conditions above-mentioned. And, ſince the Tranſactions hereupon are very material, I ſhall beg Leave briefly to ſtate them from the authentick Records, now in the Poſſeſſion of the Board for Trade and Plantations.

We find, that immediately after the Ratification of this Treaty, Notice of it had been ſent to *Francis Nicholſon*, Eſq; at that Time the *Engliſh* Governor of *Nova-Scotia*; and to Mr. *St. Ovide*, the *French* Commandant at *Louiſbourg*: Whereupon Commiſſaries were appointed, on each Side, for carrying the ſame into Execution; who, as appears, by their Report of the 30th of *Auguſt* 1714, went to *Port-Royal*, *Minas*, *Beaubaſſin*, *Copequid*, and ſeveral other Places on the Coaſts, and inland Parts, of *Nova-Scotia*, at each of

of which they aſſembled together all the Inhabitants, to whom they read the Treaty, together with the Queen of *England*'s Letter, promiſing them her Protection, and the free Exerciſe of their Religion, in Caſe they would abide under the *Engliſh* Government; after which they read the Propoſal made by His Moſt Chriſtian Majeſty *Lewis* XIV. promiſing to all, that would continue his Subjects, and go to *Louiſbourg*, to furniſh Ships of Tranſport for them and their Effects, with Proviſions for a Twelvemonth, and an Exemption from all Duties upon the Trade, that they ſhould carry on in the ſaid Iſland for the Space of Ten Years.— In purſuance of theſe Promiſes, ſuch of the *French* Inhabitants, as were willing to continue the Subjects of His Moſt Chriſtian Majeſty, ſigned a Declaration expreſſing the ſame, and were ſoon after tranſported with their Effects to *Louiſbourg*.

With Regard to thoſe, who were content to abide under the *Engliſh* Government,

nothing more was required, at that Time, than their taking and ſubſcribing an Oath, whereby they promiſed and ſwore to be faithful and bear true Allegiance to Her Majeſty the Queen of *Great-Britain.*

Upon Her Majeſty's Demiſe, Officers were appointed to go round to all the Places of chief Note, to proclaim His Majeſty King *George* I. King of *Great-Britain*, and Sovereign of *Nova-Scotia*; which Proclamation was accordingly made in the Months of *March* and *April*, 1715, at *Annapolis-Royal*, *Beaubaſſin*, *St. John*, and *Pentagoet*; and the Oaths, as above, reſpectively taken, and ſubſcribed, by the *French* and *Engliſh* Inhabitants in thoſe Places.

The ſame Ceremony was performed upon the Acceſſion of our preſent Moſt Gracious Sovereign *George* II. in the Months of *September* and *October*, 1727, at *Annapolis-Royal*, *Chinectou*, *Minas*, *Piſiquid*, and *St. John.*

In this Manner Poſſeſſion was taken, and the Right of Sovereignty kept up, in

all the interior Parts of the *Peninſula*, and round all the Coaſts of the Bay of *Fundi*, agreeably to what is claimed by Virtue of the Treaty of *Utrecht*. And the *French* Advocate, by thus reminding Us of the Manner, in which it was executed, has given Us an Opportunity compleatly to overthrow the whole Syſtem of confining *Acadie* to the narrow Limits, to which the *French* Commiſſaries would reduce it: For it reſults from hence,— That ſuch of the *French* Inhabitants of the ſeveral Diſtricts above-mentioned, who went away at the Time of the Treaty of *Utrecht*, acknowledged, by that Deſertion, their Settlements to be tranſferred to our Dominion:—Thoſe, who remained, and accepted our Terms, have, by that Submiſſion, acknowledged the ſame: — And laſtly, thoſe, who have been found within thoſe Territories, without complying with Our Terms, have been warned by Us to quit their Settlements, in Conſequence of the ſame Right of Sovereignty hitherto kept up and ex-

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ercifed by Us ever fince the Treaty. This is what the Author of the *Difcuffion* calls changing and overthrowing all the Poffeffions of the *French* in *America*, banifhing them from thence, and expofing all *Europe* to fee the Fire of War kindled by fuch Enterprizes.

But the Enterprizes, to fpeak more properly, that have brought the two Nations to the Brink of War, are thofe unjuftifiable Encroachments, which the *French* have made on the very Diftricts, to which we have evidently proved our Right. Witnefs, their having built the Fort of *Beau-féjour* on the Ifthmus of the *Peninfula*, the Fort of *Gafpereau* on the Bay called *Bay-Verte*, and their eftablifhing a Fort and Garrifon on the River *St. John*, which the *French* Author feems to juftify, from its Utility in opening a Communication between *Louisbourg* and *Quebec*. But what muft appear to the World unwarrantable, in every View, is, that all the Forts abovementioned have been erected fince the Treaty of *Aix-la-Chapelle*;

pelle; they have been erected on Diſtricts, the Right to which was ſubmitted to be decided by an amicable Negociation; and they have been erected even during the Time that Negociation was carrying on. This muſt imply a premeditated Deſign of maintaining the Poſſeſſion, even though the Right ſhould be decided againſt it; and this will ſufficiently juſtify his Majeſty in demoliſhing thoſe Forts by the Force of Arms, after having eſtabliſhed his Right by the Force of Reaſon.

Here then we may reſt the Queſtion; and to that Purpoſe, in like Manner, as in the *French* Diſcuſſion, I have endeavoured to reduce the Arguments, on both Sides, into as ſhort a Compaſs, as was conſiſtent with the neceſſary Explanation of the Points in Diſpute: With this Difference, That, as the *French* Abſtract has followed the Plan of their Memorials, in half-citing and quite miſconſtruing the Articles of the Treaty, on which the Diſcuſſion is founded; this Treatiſe has purſued the nobler Example ſhewn in the

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English Memorials, in openly deſcribing what We claim, and in fairly producing the Arguments in Support of it: With this further Difference alſo, That, as the *French* Author ſounds the Alarm to all the Courts of *Europe*, inſinuating to them their own imaginary Danger, and calling out for their Joint-Aid to reduce the All-engroſſing Power of the *Engliſh*; We, on our Side, confine the Diſpute ſingly, as it ought to be, between the Crown of *France* and ourſelves; Far from deſiring to involve all *Europe* in a general War, We act only in our own Defence, and make Repriſals for the Injuries We have received from thoſe, who have invaded our Rights, and were the FIRST AGGRESSORS in the Quarrel. So that, if any of the neighbouring Powers ſhould think it neceſſary to take a Part in the Diſpute, they will find, from the Reaſons here produced, that, by ſiding with Us, they will ſide with the Cauſe of Truth and Juſtice.

FINIS.

